

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Brad Hill, Associate Justice; Honorable Charles S. Poochigian, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Diana Monopoli, Senior Deputy Clerk.

F057552 People v. Montion

Cause called and argued by Jerome P. Wallingford, Esq., counsel for appellant and by Barton Bowers, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Vartabedian, Acting P.J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Poochigian, J.

Court recessed until Wednesday, March 10, 2010 at 1:30 P.M.

F056580 People v. Armendariz

Cause called and argued by Jerome P. Wallingford, Esq., counsel for appellant and by William K. Kim, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Gene M. Gomes, Associate Justice; Honorable Brad Hill, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Shandra Santana, Deputy Clerk.

F057638 Lahiri v. Estioko

Cause called and argued by Donald C. Duchow, Esq., counsel for respondent. Frederick C. Kumpel, Esq., counsel for appellant waived oral argument.

Cause ordered submitted.

At this point Hill, J. leaves the bench and is replaced by Poochigian, J.

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F056332 People v. Scheidemantel

Cause called and argued by Cliff Gardner, Esq., counsel for appellant and by Christina D. Hitomi, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

The court adjourns.

F056442 People v. Beniga

The judgment is affirmed. Wiseman, P.J.

We concur: Levy, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056828 People v. Ramirez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F057261 In re M.S., a Minor

The judgment is affirmed. Poochigian, J.

We concur: Gomes, Acting P.J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F057003 In re J.H. a Minor

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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F057003 In re J.H., a Minor

The judgment is affirmed. Ardaiz, P.J.

We concur: Vartabedian, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F059299 Murphy v. Lopez et al.

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8.140, California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed pursuant to rule 8.140(b)(1).

F057344 People v. Hammers

The judgment is affirmed. Levy, Acting P.J.

We concur: Cornell, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F055563 People v. Spellman

The trial court's true findings as to the prior conviction allegations (667, subds. (a), (c)-(j); 1170, subd. (a)-(e)), which are based on defendant's 1989 federal bank robbery conviction, are reversed. The matter is remanded to the trial court for retrial of these allegations and for resentencing in the event the allegations are not retried or, if retried, are not proved. In all other respects, the judgment is affirmed. Hill, J.

We concur: Levy, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056685 People v. Uribe

The judgment is affirmed with modifications. Wiseman, Acting P.J.

We concur: Cornell, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F056980 People v. Rosales

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F057866 People v. Ruiz

Filed order denying request for publication of the opinion.